

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF
ILLINOIS EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
Respondent, v.)
)
ERNEST MYERS #18545-424,) No. 10 C
) 4511) (06 CR
Movant.) 174-3))))
)

MEMORANDUM ORDER

In the universe occupied by Ernest Myers ("Myers"), anyone who disagrees with him must do so out of an anti-Myers bias. Regrettably that simply reflects Myers' own biased perspective--as Alexander Pope wrote exactly four centuries ago in An Essay on Criticism:

All looks yellow to the jaundic'd eye.

Myers' jaundiced eye¹ has now perceived the need for two new filings: a motion to disqualify this Court pursuant to 28 U.S.C. §455(a) and a motion for a more indefinite (sic) statement, calling on the Bill of Rights and 28 U.S.C. §2106 as authority for the latter. As for the first motion, even though it is totally without merit it is instead denied as moot because

nothing is pending (or impending) before this Court. And as for the second motion, it would seem more appropriately to be directed to the Court of Appeals because the motion complains of

¹

This should not be mistaken for a lack of understanding of the underlying basis for Myers' point of view. Selfevaluation in one's own favor is an understandable human attribute--as far more ancient philosopher Publilius Syrus wrote in the first century B.C.:

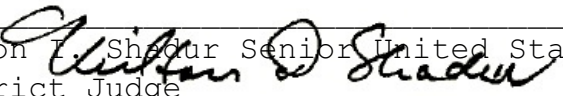
No one should be judge in his own case.

the July 12, 2011 denial of a Certificate of Appealability in that Court's Case No. 11-1596 by "the Jurist"--here is the brief unpublished order from that court:

Ernest Myers has filed a notice of appeal from the denial of his motion under 28 U.S.C. §2255, and an application for a certificate of appealability. This court has reviewed the final order of the district court and the record on appeal. We find no substantial showing of the denial of a constitutional right. See 28 U.S.C. §2253(c)(2).

Accordingly, the request for a certificate of appealability is DENIED. Myers's request to proceed in forma pauperis is DENIED.²

So both of Myers' current motions are denied--the first on mootness grounds (although it is substantively without merit as well) and the second without prejudice to its potential presentment to the Court of Appeals. If that Court were to differ and hold that the second motion is properly within this Court's purview, it will of course address the issue.


Milton I. Shadur Senior United States
District Judge

Date: November 14, 2011

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[Footnote by this Court] On September 8 the Court of Appeals issued another unpublished order, this time denying Myers' petition for rehearing or rehearing en banc.